



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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PUBLIC INSTRUCTION

BILL ANALYSIS

- BILL NUMBER:** House Bills 5903 and 5904 (As Introduced)
- TOPIC:** Michigan Accelerated College Education Act
- SPONSOR:** Representative Jack Hoogendyk (HB 5903)
Representative Brian Palmer (HB 5904)
- CO-SPONSORS:** Representatives Pastor, Garfield, Gosselin, Drolet, Sheen, Kooiman, Stahl and Palmer (HB 5903)
Representatives Pastor, Garfield, Gosselin, Drolet, Sheen, Hoogendyk, Kooiman and Stahl (HB 5904)
- COMMITTEE:** Government Operations
- Analysis Done:** April 24, 2006

POSITION

Oppose as introduced.

PROBLEM/BACKGROUND

Under current law, a high school student may not attend college full time. A student must be enrolled in at least one class at the high school for the district to count the student for the purposes of state aid. In addition, a student under the age of 16 is subject to compulsory school attendance.

DESCRIPTION OF BILL

- House Bill 5903 would create the Michigan Accelerated College Education Act to provide the opportunity for an eligible student age 15 to 19 years of age who attends, and has not graduated from, a public high school to attend an eligible postsecondary institution full time after completing at least ½ of the credits required for graduation or after receiving an overall score in the top 20% of a nationally recognized college admission exam. An eligible postsecondary institution would be defined to mean "a state university or community college that chooses to comply with this act."
- Upon request by an eligible student or an eligible postsecondary institution, the district where the student attends would be required to provide a letter signed by the student's principal indicating the student's eligibility to the student, the Michigan Higher Education Assistance Authority (MHEAA) and the postsecondary institution.
- An eligible student would receive a grant from the MHEAA payable to the eligible postsecondary institution. The amount of the grant would be the amount of the eligible

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charges for the semester, trimester or quarter in which the student is enrolled or a percent of the foundation allowance (25% for semester, 16.67% for trimester or 12.5% for quarter), whichever is less. An eligible student would be required to pay the remainder of the costs that exceed the grant amount.

- An eligible student would be limited to a maximum number of semesters, trimesters or quarters. The maximum could not exceed a total of 8 semesters or its equivalent at a high school and postsecondary institution combined.
- After an eligible student's first semester, trimester, or quarter, the MHEAA would not be required to pay a grant if a student did not maintain at least a 2.0 grade point average in the preceding semester, trimester, or quarter.
- The MHEAA would be required to make a grant payment to the eligible postsecondary institution within 30 days after receiving written notice.
- The eligible postsecondary institution would be required to notify the student about tuition, fees, books, materials and other related charges. In addition, the student would be notified of the amount of the eligible charges that was included in the notice to the MHEAA.
- An eligible postsecondary institution would have the authority to award a high school diploma to an eligible student who successfully completes the maximum number of semesters, trimesters, or quarters.
- House Bill 5904 would amend the Revised School Code to exempt a student from the compulsory school attendance requirements if the student is 15 years of age and enrolled in a state university or community college under the Michigan Accelerated College Education Act.
- House Bills 5903 and 5904 are tie-barred.

SUMMARY OF ARGUMENTS

Pro

- Many students are capable and ready for the more rigorous course work offered at the college level before graduating from high school.
- Some students choose not to participate in high school course work because they find the time to be of little value and relevance. If the high school course work is not intellectually challenging, students may become bored and drop out. Courses at the college level would be more intellectually challenging.
- By offering the opportunity for students to be part of the eligible postsecondary institution with the higher challenges and standards in the course offering, it would better prepare students to meet the challenges of the present and future needs of our nation and state. Some students would miss this opportunity if they stayed in high school.

Con

- The high school graduation requirements for the diploma would be complicated. An agreement on what courses constitute as credit for graduation and other procedural clarifications would need to be determined. The bill should be amended to require the sending district to award the high school diploma upon completion of the graduation requirements.

- An eligible student would receive a grant from MHEAA payable to the eligible postsecondary institution. The bill does not specify where MHEAA would be receiving funds to cover the grants.
- Districts would lose the student foundation allowance grant each year the student is enrolled in college. The district would still be responsible for tracking that student for eligibility, graduation credits, possibly providing support services for students with disabilities, and calculating graduation rates for Adequate Yearly Progress. The district should be able to claim a percentage of the foundation allowance for administrative purposes.
- Responsibility for reporting grades to the school district is not currently the practice of the college. Dual enrollment students are treated as "regular" students and their grades and attendance at the college level are the student's property. Parental consent would be required to allow the eligible postsecondary institution to report grades to the district. The bill should be amended to require parental consent as a condition for an eligible student to participate.
- Students with limited resources would be unable to participate. Full time college status is a minimum of 12 credit hours. In most cases, the cost of two 12 credit hour semesters would exceed the grant award by MHEAA to the community college. The student would be required to purchase books, course materials and fees (i.e., transportation, parking, computer use, and library use). Eligible charges that exceed the grant award would be the responsibility of the student. Only students with sufficient financial resources would be able to participate. The bill should be amended to provide additional funding to assist students with limited resources.
- The bill specifies that an eligible student must be enrolled in a public high school. A nonpublic or home school student who is enrolled part-time for nonessential courses would not be excluded. The Michigan Constitution prohibits both direct and indirect use of public funds for nonpublic schools [Mich. Const. Art. VIII, §2]. The Michigan Supreme Court ruled that nonpublic or home school students may only enroll in nonessential courses at the public school [Snyder v Charlotte, 421 Mich 517 (1984)]. Nonessential courses may include, but are not limited to: band, art, physical education, music, computer, and advanced placement courses. The courses taken at an eligible postsecondary institution by an eligible nonpublic or home school student should be limited to nonessential courses.
- Current law already allows students to graduate early and to start college sooner (e.g., dual enrollment, advanced placement courses and testing out).
- The Michigan High School Athletic Association requires a student to be enrolled at least part-time in the district to participate in high school athletics. It is unclear whether a student attending an eligible postsecondary institution would meet the requirements to participate in athletics or extracurricular activities.
- The age requirement would exclude those who are at least 19 but less than 20 who may still be in high school.
- Some postsecondary institutions have expressed concern that the rigor of college level courses may be diluted if there is a disproportionate number of high school students in the classroom.

FISCAL/ECONOMIC IMPACT

Are there revenue or budgetary implications in the bill to the –

(a) Department

Budgetary: None.

Revenue: None.

Comments: N/A.

(b) State

Budgetary: See comments.

Revenue: None.

Comments: A percentage of the basic foundation allowance would be awarded to the eligible postsecondary institution for each participating student. The remaining percentage would stay in the state school aid fund.

(c) Local Government

Comments: Districts would lose enrollment and the foundation grant for students participating in the program. The district would still be responsible for tracking that student for eligibility, graduation credits, awarding a diploma, possibly providing support services for students with disabilities, and calculating graduation rates for Adequate Yearly Progress.

OTHER STATE DEPARTMENTS

Department of Treasury, Michigan Higher Education Assistance Authority
Department of Labor and Economic Growth

ANY OTHER PERTINENT INFORMATION

- Current law requires students to successfully complete a course in government and civics for graduation. Several bills (HB 5606, HB 5636 and SB 1021) have been introduced that would establish additional graduation requirements. The House and Senate passed HB 5606 and SB 1124. The bills have been referred conference committee.
- Current law allows an eligible student to enroll in a college or university under the Postsecondary Enrollment Options Act, 1996 PA 160.
- Similar legislation (HB 4765-4766) was introduced in the House. The bills are in the House Higher Education and Career Preparation Committee. In addition, similar legislation (HB 5791-5792) was introduced in the 2003-2004 legislative session. The bills were not enacted.

ADMINISTRATIVE RULES IMPACT

N/A.

Postsecondary Enrollment Options Act 160 of 1996

2006 Dual Enrollment

Frequently Asked Questions

1. What is the Postsecondary Enrollment Options Act (PSEO)?

The act provides for payment from a school district's state aid foundation grant for enrollment of certain eligible high school students in postsecondary courses of education. The bill establishes eligibility criteria for students, institutions, and courses; requires eligible charges (tuition, mandatory course or material fees, and registration fees) to be billed to a school district; establishes enrollment and credit requirements; requires school districts to provide counseling and information to eligible students and their parents; and requires intermediate school districts to report to the Department of Education.

2. Which students are eligible to participate in postsecondary options?

Any student for whom the District feels it would be an appropriate option. Districts have always had the ability to support all students in postsecondary enrollment at any grade. The PSEO is specific in mandating all eligible students wishing to dual enroll **MUST** be allowed the postsecondary opportunity. Eligible students are those who are in grade 11 or 12, are enrolled in at least 1 high school course, and who have passed these four subject areas of the MEAP (Mathematics, Science, Reading, Writing.). The student that did not pass in all areas is still eligible to take courses only in the areas in which she/he has received endorsements. Both 11th and 12th graders are eligible to take courses within subjects for which there are no endorsements, such as philosophy, religion, psychology, sociology, anthropology, computer science, fine arts and/or foreign language courses not offered by the District, as long as they have taken all sections of the MEAP. State endorsement is not required in any specific area for this participation. Grade point average is not a determining factor in eligibility to enroll. Restrictions on the number of courses, the time courses can be taken or minimum GPA is not intended in the law. Such restrictions would be contrary to the intent of Public Act 160 of 1996.

3. Must districts allow a student in grade 10 or 11 to take the MEAP High School Test?

Yes. A parent or legal guardian may request in writing that a student in grade 10 or 11 be permitted to take all of the MEAP High School Test at any time the test is regularly given, including scheduled retest times. The request must state that it is being made for the purposes of qualifying for an endorsed diploma in order to qualify for postsecondary enrollment pursuant to Public Act 160, 1996. Parents and students should be aware that the MEAP High School Test was developed to cover course work through the end of 10th grade. This provision would permit these students to enroll in the fall of their 11th grade.

4. When must districts notify students about dual enrollment opportunities?

The language states that by **March 1 of each year**, school districts shall provide general information about the Postsecondary Enrollment Options Act and college equivalent classes such as AP to all students in grade 8 or higher. Eligible students in grades 11 and 12 shall receive a letter, signed by the student's principal, indicating their eligibility.

5. Exactly what costs are school districts required to pay?

The language states that all school districts must pay students' tuition and mandatory course fees, including technology fees, materials fees, registration fees and any late fees charged by the postsecondary institution. Eligible charges do not include books, transportation, parking costs or most activity fees. However, under the PSEOA, the total amount of tuition and fee support shall not exceed either of the following:

- a. The total amount of the tuition and fees for the course(s).
- b. The sum of the state portion of the district's foundation allowance, per membership pupil, adjusted for the proportion of the school year that the student attends the postsecondary institution.

For example:

Student's State Portion of the Foundation Allowance for 2004-2005 school year might be \$6,825 per year and \$3,412.5 per semester. If the high school has a 6 hour day, each hour would equate to \$569.75 per course. Therefore, the local district would be responsible for the actual charge for tuition and fees for the college courses up to that amount of \$569.75 or the actual amount charged by the postsecondary institution, whichever is less. FTE calculations are based on the total number of both high school and college courses, equaling 100 percent of enrolled time, or Full Time Equivalency, (FTE).

6. May students dually enroll in more than one course at a postsecondary institution?

Yes. The enabling legislation does not set any limitations on the number of college courses in which a student may enroll. The only stipulations are that the student be enrolled in both the district and postsecondary institution during the district's regular academic year, and be enrolled in at least one high school course. The legislation does not apply to any postsecondary courses a student is enrolled in addition to being enrolled full-time in the local district.

7. Is the payment for which school districts are responsible based on the number of credits a student is taking or the number of courses involved?

The number of courses. The language states that school districts must pay tuition, registration fees, materials fees, and required *course* fees for the postsecondary *course(s)* of the dually enrolled pupil.

8. Are there any limitations regarding which courses a student may take at a postsecondary institution?

Yes. The legislation for the 2004-2005 school year stipulates that a school district is not obligated to support a course that is offered by the school, but is obligated if that course is not available to the student because of a scheduling conflict, as determined by the board of the school district. Courses that are a hobby craft or recreational course; a course that is in the areas of physical education, theology, divinity or religious education, are not eligible for tuition support. **However**, in 2000, Governor Engler signed House Bill 5534 (Public Act 258 of 2000), which creates the Career and Technical Preparation Act. The purpose of this act is to provide a wider variety of options to high school students by encouraging and enabling qualified students to enroll in courses or programs in career and technical preparation programs at eligible postsecondary education institutions. This act took effect April 1, 2001, and is under the auspices of the Department of Career Development. By March 1 of each school year, school districts will need to provide general information about the career and technical preparation enrollment options under this act to all students in grade 8 or higher, as is currently provided for AP and dual enrollment.

9. Do students have to “exhaust” the high school’s curriculum before they are eligible for postsecondary enrollment?

No. The PSEOA language states that the postsecondary course(s) eligible for tuition support be course(s) not offered by the district, but does not require students to take all available high school courses before enrolling in postsecondary courses. However, if the district offers college level equivalent courses (Advanced Placement and IB), these courses have precedence over an entry-level postsecondary course. Also, high school credits granted to a student under this act shall be counted toward the graduation and subject area requirements of the school district.

10. May students attend college classes in the evening?

Yes, students may elect to take college courses during the school day, in the evening or on weekends. Courses should be taken on campus or through a virtual university. If a public school pupil successfully completes a college level equivalent course that is offered by electronic means, including, but not limited to, the Internet, digital broadcast, or satellite network, and is offered by a regionally accredited college or university, or the Michigan Virtual High School described in Section 1481, the district shall do all of the following:

- a. Grant appropriate high school credit for completion of the course.
- b. The student must declare before enrolling the intention of HS credit, college credit or both HS and college credit.
- c. Count that credit toward the graduation and subject area requirements of the school district or public school academy.

11. What is the Michigan Virtual High School?

The Michigan Virtual High School is a development of the Michigan Virtual University and was designed to expand curricular offerings for high schools across the state, create a statewide instructional model using interactive multimedia tools, and provide pupils and teachers with opportunities to develop skills through on-line learning. In order to further expand the options of qualified high school students, the Michigan Virtual University has also developed the Michigan Virtual AP Academy. The goal of the Academy is to make Advanced Placement courses available to all qualified students within the State of Michigan. For more information, visit their web site at: www.mivu.org

12. Precisely which postsecondary schools may students attend?

The PSEOA language states that support is available to students attending any Michigan public or private, degree-granting postsecondary institutions, that choose to participate. The Michigan Virtual High School, the Michigan Virtual AP Academy and the Michigan Virtual University are also recognized by the state as accredited institutions.

13. Can students receive PSEO tuition/fee support for college courses taken during the summer/spring term?

The language states that students may receive support for courses during the school district's regular academic year. However, many postsecondary institutions offer a spring term, which begins during a district's academic year and ends during the summer. If 50% or more of the college class/term falls within the local district's regular academic year, (calendar), students must be allowed to enroll and receive tuition/fee support.

14. Can local districts provide a greater amount of tuition/fee support to students than is required in the PSEOA and Section 21b language?

Yes. The language of both pieces of legislation states that districts are required to pay an amount not to exceed the lesser of the actual charges for tuition and mandatory course fees, materials fees and registration fees, or the state portion of the district's foundation allowance, adjusted for the proportion of the school year that the student attends the postsecondary institution. However, districts **may** provide a larger amount, including books, transportation, parking and activities fees. If districts elect to pay for books under this section, the books are the property of the district and should be turned over to the district to be used as it sees fit upon completion of the course. Districts may elect to use the local school operating revenue for this purpose.

15. Who decides what type of credit a student will receive for postsecondary enrollment?

The language states that, at the time the eligible student enrolls in a postsecondary course, he/she will designate whether the course is for high school or postsecondary credit, or both, and shall notify the high school and the postsecondary institution of her/his decision. Students taking more than one postsecondary course may make different credit designations for different courses.

16. Should districts accept the grade a student receives in a college course and incorporate it into the student's high school grade point average GPA?

The language does not address the issue of grades. However, in its Guide for the College Bound Student-Athlete, the National Collegiate Athletic Association (NCAA) requires that all core courses used for collegiate athletic eligibility must indicate a grade and be calculated into the student's high school GPA. This requirement only pertains to Division I or II collegiate athletes. It is of great importance students are informed of these regulations and offered the opportunity to request a grade on their transcripts, if credit is requested.

17. How much high school credit must a district grant a student for completion of a postsecondary course?

The language states that a school district must grant academic credit if the student successfully completes a course, as determined by the postsecondary institution. The district shall determine the amount of high school credit granted. The high school credits granted to a student must be counted toward the graduation requirements and subject area requirements of the school district.

18. May a student audit a college course under the Postsecondary Enrollment Options Act?

No. Postsecondary courses taken under the PEOA cannot be audited.

19. May adult education students participate?

No. Adult education students are not eligible under the terms of P.A. 160 of 1996.

20. What issues should high school counselors address when they meet with students considering dual enrollment?

Counseling is critical. Students capable of college-level curricula are not automatically knowledgeable about college course selections and enrollment process. To the extent possible, districts shall provide counseling services to each eligible student and his or her parent or guardian of the benefits, risks, and possible consequences of enrolling in a postsecondary course. A district may provide the counseling in a group meeting if additional individual counseling is also made available.

21. How does this legislation interface with existing arrangements between local districts and postsecondary institutions, for example, districts that contract with community colleges for vocational-technical courses?

Programs such as these are the decision of the local school districts and participating postsecondary institutions, and are usually funded with vocational-technical education monies or through arrangements with the local district. They are not considered as dual enrollment, but as a component of the high school curriculum, and are not affected by this legislation.

22. Can districts, stipulate that dually enrolled students must “successfully” complete college courses before tuition and fee support is paid?

No. The language states that if a student provides the postsecondary institution with written proof of eligibility, the postsecondary institution will transmit a bill to the district detailing the eligible charges for each eligible course. The language also states that if a dually enrolled pupil does not complete the postsecondary course, the postsecondary institution shall forward to the district any funds that are refundable due to non-completion of the course. (in traditional classes, students are not reimbursed when students fail or stop participating, if they were the district would not be eligible for that portion of the foundation grant)

23. How should districts count students involved in postsecondary enrollment in terms of full-time equated membership?

The language stipulates that for students enrolled in a postsecondary institution under this act, the student's enrollment in both the school district and the postsecondary institution shall be counted as enrollment in the school district. A student shall not be considered to be enrolled in a district less than full-time solely because of the effect of the student's postsecondary enrollment, including necessary travel time. College course requiring lab time and offering more than four hours of credit are counted as two high school course credits for the purpose of FTE.

24. How should local districts process PEOA payments on their budget breakdowns?

Districts should use Function Code 113: High School Instructional Costs under Purchased (Contractual) Services.

25. How will districts report to the Department of Education?

School districts report the following information as required by Section 18(3) is submitted:

- a) total dollars expended for students involved in postsecondary enrollment;
- b) number of students eligible for postsecondary enrollment;
- c) number of pupils involved in postsecondary enrollment during the preceding school year (aggregate and by grade level);
- d) the percentage of the district's enrollment represented by students involved in postsecondary enrollment;
- e) the number of postsecondary courses paid for by the district under this act;
- f) the number of postsecondary courses for which college credit was granted;
- g) the number of postsecondary courses for which high school credit was granted;
- h) the number of postsecondary courses which were not completed by students.

26. What is the definition of a College Level Equivalent Course (CLEC)?

A CLEC is defined to mean a course offered in high school, such as the International Baccalaureate (IB) and Advanced Placement (AP) offerings, for which a student receives high school credit and may receive college credit, if the student successfully passes a college level equivalent credit examination.

27. Must districts offer college level equivalent courses?

School boards shall consider providing college level equivalent courses either directly or cooperatively. AP course information can be found at; <http://apcentral.collegeboard.com>

28. When and how would students be informed about college level equivalent courses?

Under P.A.160 of 1996 by March 1st of each year, schools are to ensure that every student in grade 8 or higher is provided with specific information about college level equivalent courses available to students in their district, such as dual enrollment, AP, IB and Virtual Advanced Placement opportunities.

29. Must districts comply with this legislation?

Yes. The law states that districts and public school academies "*shall*" use funds allocated under the State School Aid Act to support participation in postsecondary options of eligible high school students at postsecondary institutions. Thus, districts and public school academies must comply.

Other questions may be directed to David F. Mills, Education Consultant,
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